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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VENETIAN CASINO RESORT, LLC, a
Nevada limited liability company,

Plaintiff,

v.

ENWAVE LAS VEGAS LLC, a Delaware
limited liability company,

Defendant.

Case No. 2:19-cv-01197-JCM-DJA

**STIPULATION AND [PROPOSED]
ORDER FOR AN EXTENSION OF
TIME FOR VCR AND INTERFACE TO
RESPOND TO GCS'S AMENDED
COUNTERCLAIM**

[SECOND REQUEST]

ENWAVE LAS VEGAS LLC, a Delaware
limited liability company,

Counterclaimant,

v.

VENETIAN CASINO RESORT, LLC, a
Nevada limited liability company, and
INTERFACE GROUP-NEVADA, INC., a
Nevada corporation,

Counterdefendants.

1 GRAND CANAL SHOPS II, LLC, a
2 Delaware limited liability company,

3 Counterclaimant,

4 v.

5 VENETIAN CASINO RESORT, LLC, a
6 Nevada limited liability company

7 Counterdefendant.¹

8 Plaintiff/Counterdefendant VENETIAN CASINO RESORT, LLC, (“VCR”) and
9 Counterdefendant INTERFACE GROUP-NEVADA, INC. (“Interface,” collectively with VCR,
10 “Venetian Parties”), by and through their counsel of record the law firms of Dickinson Wright
11 PLLC and Mintz & Gold, LLP, Defendant/Counterclaimant ENWAVE LAS VEGAS LLC
12 (“Enwave”), by and through its counsel of record the law firms of Brownstein Hyatt Farber
13 Schreck, LLP and Baker Donelson Bearman Caldwell & Berkowitz, PC, and Intervenor GRAND
14 CANAL SHOPS II, LLC (“GCS”), by and through its counsel of record the law firms of King &
15 Spalding LLP and Santoro Whitmire, hereby stipulate and agree, subject to this Court’s approval,
16 pursuant to Local Rule 7-1 and Local Rule IA 6-1 to extend (a) the deadline for Enwave to
17 supplement its response to Venetian Parties’ discovery requests (deadline for initial responses
18 was March 22, 2021); (b) the deadline for the Venetian Parties to file a Reply in support of the
19 Motion to Strike GCS’s Counterclaim and to Revoke GCS’s Intervenor Status (“Motion to
20 Strike”) (current deadline is April 13, 2021); and (c) the deadline for the Venetian Parties to file
21 a response to GCS’s Amended Counterclaim (current deadline is April 13, 2021), as follows:

- 22 1. On January 11, 2021, GCS filed its Counterclaim against Enwave (ECF No. 68);
- 23 2. On January 26, 2021, the Court approved the Parties’ Stipulated Discovery Plan
24 and Scheduling Order, providing for Enwave to respond and produce documents in response to
25 the Venetian Parties’ discovery requests by February 19, 2021 (ECF No. 72);
- 26 3. On February 1, 2021, the Parties filed a Stipulation and Proposed order for
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28 ¹ The Venetian Parties object to the caption as incorrectly listing VCR as the Counter Defendant.

1 Extension of time for Enwave to respond to GCS's Counterclaim (ECF No. 74) ("First
2 Stipulation");

3 4. On February 1, 2021, the Venetian Parties filed a Motion to Strike GCS's
4 Counterclaim and to Revoke GCS's Intervenor Status (ECF No. 75);

5 5. The Court approved the First Stipulation, providing Enwave until February 11,
6 2021, to respond to GCS's Counterclaim (ECF No. 76);

7 6. On February 10, 2021, GCS filed its Amended Counterclaim (ECF No. 77);

8 7. On February 16, 2021, GCS filed its Response to the Venetian Parties' Motion to
9 Strike (ECF No. 78);

10 8. Enwave then requested additional time to respond and produce documents in
11 response to the Venetian Parties' Rule 34 discovery requests and the Venetian Parties, as a
12 professional courtesy, agreed to the same, contingent upon GCS agreeing to an extension of the
13 deadline for the Venetian Parties to file the Reply in support of the Motion to Strike and the
14 deadline to file any new motion to strike with respect to GCS's Amended Counterclaim, to
15 which GCS agreed;

16 9. On February 23, 2021, the parties filed a stipulation and proposed order to extend
17 (a) the deadline for Enwave to respond and produce documents in response to the Venetian
18 Parties' Rule 34 discovery requests, and to respond to GCS's Amended Counterclaim, to March
19 22, 2021; (b) the deadline for the Venetian Parties to file a response to GCS's Amended
20 Counterclaim to April 13, 2021; and (c) the deadline for the Venetian Parties to file a Reply in
21 support of the Motion to Strike GCS's Counterclaim to April 13, 2021. (ECF No. 79);

22 10. On February 25, 2021, the Honorable Magistrate Judge Brenda Weksler approved
23 the parties' February 23, 2021 stipulation (the "Stipulated Order"). (ECF No. 80.) To give the
24 Venetian Parties the opportunity to review Enwave's document production prior to further
25 briefing, the Stipulated Order provided for (a) Enwave to respond and produce documents in
26 response to the Venetian Parties' Rule 34 discovery requests, and to respond to GCS's Amended
27 Counterclaim, by March 22, 2021; (b) for the Venetian Parties to file any motion to strike GCS's
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1 Amended Counterclaim by April 13, 2021; and (c) for the Venetian Parties to file a Reply Brief
2 in support of its Motion to Strike by April 13, 2021;

3 11. On March 22, 2021, Enwave filed its Answer to GCS's Amended Counterclaim
4 (ECF No. 83);

5 12. On March 22, 2021, Enwave also served responses and made a document
6 production in response to the Venetian Parties' discovery requests;

7 13. On March 23, 2021, a dispute arose regarding the sufficiency of the production,
8 which the parties believe can be resolved with additional time for Enwave to serve a supplemental
9 production rather than involving the Court at this juncture;

10 14. Given the foregoing, and to give the Venetian Parties the opportunity to review
11 Enwave's document production prior to further briefing, all parties have agreed to an extension
12 of the deadline for Enwave to supplement its response to the Venetian Parties' Rule 34 discovery
13 requests to April 27, 2021. The parties have also agreed to extend the Venetian Parties' deadline
14 to file any motion to strike GCS's Amended Counterclaim (ECF No. 77) and extending the
15 Venetian Parties' deadline to file a Reply Brief in support of its Motion to Strike to May 18,
16 2021 (ECF. No. 84);

17 15. Accordingly, all parties hereby stipulate, subject to the Court's approval, that the
18 Venetian Parties shall file any motion to strike GCS's Amended Counterclaim by May 18, 2021.
19 This is the second request to extend the foregoing deadlines, and all parties submit that good
20 cause exists for these extensions and that they are not intended for purposes of delay.

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<p>DATED this 23rd day of April, 2021.</p> <p>DICKINSON WRIGHT PLLC</p> <p><u>/s/: Michael N. Feder</u> MICHAEL N. FEDER, ESQ. (NBN 7332) 3883 Howard Hughes Parkway, Suite 800 Las Vegas, Nevada 89169</p> <p>PETER GUIRGUIS, ESQ. (Pro Hac Vice) SCOTT KLEIN, ESQ. (Pro Hac Vice) MINTZ & GOLD, LLP 600 Third Avenue New York, NY 10016</p> <p><i>Attorneys for Plaintiff-Counterdefendant Venetian Casino Resort, LLC and Counterdefendant Interface Group-Nevada, Inc.</i></p>	<p>DATED this 23rd day of April, 2021.</p> <p>BROWNSTEIN HYATT FARBER SCHRECK, LLP</p> <p><u>/s/: Matthew A. Woolf</u> ADAM K. BULT, ESQ. (NBN 9332) EMILY A. ELLIS, ESQ. (NBN 11956) 100 North City Parkway, Suite 1600 Las Vegas, NV 89106-4614</p> <p>MATTHEW A. WOOLF, ESQ. (Pro Hac Vice) BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ PC 201 St. Charles Avenue, Suite 3600 New Orleans, LA 70170</p> <p><i>Attorneys for Defendant-Counterclaimant Enwave Las Vegas LLC</i></p>
<p>DATED this 23rd day of April, 2021.</p> <p>SANTORO WHITMIRE</p> <p><u>/s/: Matthew Brigman</u> JAMES E. WHITMIRE, ESQ. (6533) 10100 W. Charleston Blvd., Suite 250 Las Vegas, Nevada 89135</p> <p>LAWRENCE SLOVENSKY, ESQ. (Pro Hac Vice) KING & SPALDING LLP 1180 Peachtree St. NE Atlanta, GA, 30309</p> <p><i>Attorneys for Intervenor- Defendant/Counterclaimant Grand Canal Shops II, LLC</i></p>	

ORDER

IT IS SO ORDERED. DATED: April 30, 2021.

Honorable Magistrate Judge Brenda Weksler
United States Magistrate Judge